

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

BARRY G. INGRAM,

Plaintiff,

v.

CITY OF SAN FRANCISCO POLICE  
DEPARTMENT; SFPD OFFICER SGT.  
FRAZER; SFPD OFFICER JENNIFER G.  
FIORELLO; and SFPD OFFICER  
KHMARSKIY,

Defendants.

No. C 13-0224 CW

ORDER CONCERNING  
DEFENDANT'S MOTION  
TO DISMISS

On February 4, 2013, Defendant City and County of San Francisco re-filed its motion to dismiss Plaintiff Barry Ingram's first amended complaint. Docket No. 12. The memorandum in support of that motion refers to two exhibits. See id. at 2, 8 n.4. Neither of these exhibits, however, is attached to Defendant's motion and Defendant's proof of service does not indicate whether these exhibits have been served on Plaintiff. Id. at 10. Accordingly, Defendant is directed to file the attached exhibits as soon as possible with proof that it served these exhibits on Plaintiff. Defendant's previous motion to dismiss (Docket No. 4) is hereby TERMINATED.

Plaintiff's opposition to Defendant's motion is due by February 22, 2013. If Plaintiff fails to file a timely opposition, his case may be dismissed for failure to prosecute.

Plaintiff has yet to serve his first amended complaint on the three individual officers named as defendants in this action: Sgt. Frazer, Officer Fiorello, and Officer Khmarskiy. Under Federal

1 Rule of Civil Procedure 4(m), Plaintiff must serve his complaint  
2 on these defendants before April 2, 2013 or his claims against  
3 them will be dismissed.

4 IT IS SO ORDERED.

5  
6 Dated: 2/5/2013

  
CLAUDIA WILKEN  
United States District Judge